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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRUONG, THANHNGA B

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/802,931

Applicant(s)

LIDEN ET AL.

Examiner

Thanhnga B. Truong

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments with respect to claims 1-12 have been fully considered but they are not persuasive. Uemura does teach the claimed subject matter. In fact, Uemura's main object of the invention is to provide a card issuing method and a system therefor in which use is made of the high security of magnetic cards and by which a card intended for particular use is issued with use of a card of higher security. The Uemura's invention further provides a method of issuing cards by using a card issuing machine including a memory having stored therein an initial secret code, a card reader and a keyboard, the method being characterized by checking whether a secret code keyed in matches the initial secret code stored in the memory; storing in a memory a code keyed in for associating a first card with the card issuing machine and recording the associating keyed-in code in the first card by the card reader to issue the first card when the two secret codes are found to match; issuing a new card upon confirming a keyed-in first secret code of the first card; and issuing another new card upon confirming a secret code of the new card issued (column 2, lines 50-67). Besides, applicant has agreed with examiner that Uemura does disclose the claimed subject matter (see page 4, lines 1-3 of Applicant's remarks).

Applicant argues that:

"Uemura fails to teach or suggest replacing the encryption key such that once the change in the encryption key has taken place, the user device is no longer associated with the first system devices."

Examiner totally disagrees with applicant's remarks and strongly maintains that:

Uemura teaches the claimed subject matter. In addition, Uemura discloses issuing a new card upon confirming a keyed-in first secret code of the first card; and issuing another new card (or the newly replacement card) upon confirming a secret code of the new card issued (column 2, lines 65-68). Furthermore, the sequence number on the current key card thereafter matches the sequence number stored in the memory until another new key card (or a newly replacement key card) is issued (emphasis added) (column 9, lines 1-3). Uemura further teaches, for the reissue of card, the room number and the number of cards to be issued are keyed in (step 215), and a new guest card is issued for the room number concerned with reference to the data, such as check-out time, stored in the location of the RAM room data area for the room number (step 216) (column 19, lines 22-27 and column 35, lines 65-67 through column 36, lines 1-16).

Applicant further argues that:

"Uemura fails to teach or suggest the encryption keys being used for further communication between different devices."

Again, Examiner disagrees and still maintains that:

Referring to Figure 1, those which can be executed by the satellite console 11 are the guest card issuing process, room cancelling process and card data monitoring process only. The satellite machine 11 may have access to the room data area in the RAM of the parent machine 10 through communication with the machine 10, or the satellite machine 11 itself may be adapted to have a data area storing the same data as the room data area of the parent machine 10 (column 17, lines 16-25).

Applicant further argues that:


"Uemura fails to teach or suggest distributing the cards between different hierarchical levels."

Again, Examiner totally disagrees with applicant's remarks and strongly maintains that:

Uemura teaches the claimed subject matter. In addition, Uemura discloses only with use of a card of high level, a card of lower level can be issued. This provides a hierarchical card system. Because a card of low level can be issued only by using a card of higher level, high security can be maintained (column 3, lines 40-44).

Moreover, Uemura does not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

For the above reasons, it is believed that the rejections should be sustained.


KIM VU
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